



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570

June 16, 2011

GUERIVACE SHELTON
6746 KESWICK DR
DALLAS, TX 75232-3315

Re: AT&T Mobility
Case 16-CA-027896

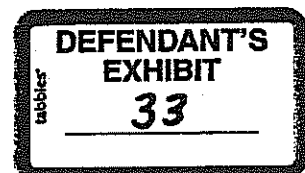
Communication Workers Of America,
Local 6215 (AT&T)
Case 16-CB-008278

Dear Ms. Shelton:

Your appeal from the Regional Director's refusal to issue complaint in the above-captioned cases has been carefully considered. The appeal is denied substantially for the reasons set forth in the Regional Director's letters of April 25, 2011.

Contrary to your assertion on appeal, the Regional Director applied the appropriate legal precedent under the National Labor Relations Act (the Act) in deciding these matters. First, the evidence establishes that Section 10(b) of the Act bars further processing of your allegations against the Employer. Specifically, the investigation revealed that you were aware of the alleged conduct by the Employer six months before you filed the unfair labor practice charge in the matter. As a result, your failure to file a timely charge bars any further consideration of the issues against the Employer.

Second, with respect to the Union, a violation of Section 8(b)(1)(A) can only be established if it can be shown that a union's decision in carrying out its duties is motivated by discriminatory, arbitrary, or capricious considerations. *Vaca v. Sipes*, 368 U.S. 171 (1967). The National Labor Relations Board has further held that something more than mere negligence or the exercise of poor judgment on the Union's part must be shown in order to support a finding of unlawfulness. *Teamsters Local 692 (Great Western Unifreight)*, 209 NLRB 446 (1974). In this regard, the Union accepted, processed and investigated your grievance and also met with the Employer. Moreover, the investigation further revealed that your grievance was still pending at the time of



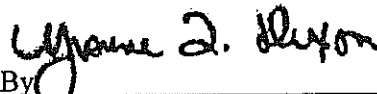
AT&T Mobility
CaseS 16-CA-027896, et al.

-2

the Regional Office's dismissal of the charge in Case 16-CB-8278. Moreover, the investigation revealed no evidence that the Union's actions were based on unlawful considerations. Accordingly, in these circumstances, further proceedings are unwarranted.

Sincerely,

Lafe E. Solomon
Acting General Counsel


By Yvonne T. Dixon, Director
Office of Appeals

cc: MARTHA KINARD
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
819 TAYLOR ST, RM 8A24
FORT WORTH, TX 76102

STEVE DONAHUE, STEWARD
COMMUNICATION WORKERS OF
AMERICA, LOCAL 6215
1408 N WASHINGTON ST, STE 300
DALLAS, TX 75204

LYSHA WESTON
AT&T MOBILITY
208 S AKARD ST, STE 3313
DALLAS, TX 75202-4206

CHRISTIAN A. BOURGEACQ
GENERAL ATTORNEY -
LABOR/HR AT&T
4544 S LAMAR BLVD, MS 4401-LR
AUSTIN, TX 78745-1500

SHERRY REA
AT&T MOBILITY
1801 VALLEY VIEW LN
FARMERS BRANCH, TX 75234-8906

ip